

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204  
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251  
INTERNET <http://www.ptb.ca.gov>  
EMAIL [cps@dca.ca.gov](mailto:cps@dca.ca.gov)

September 14, 2005

Citation No. 05-06-0145

Brenda J Gomez  
80487 Suncastle Road  
Indio CA 92201

License No. Unlicensed

**CITATION**

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

**FIRST CAUSE FOR CITATION***Unlicensed Practice*

1. Business & Professions Code Section 2630

Unlicensed person is subject to an administrative citation for violation of 2630 of the code in that you performed physical therapy on patients autonomously and without the proper supervision of a licensed physical therapist. On or about January 14, 2004, Senior Investigator Les Williams and Board Expert Consultant Maryann Shook Kroh conducted an onsite visit at the Coachella Valley Rehabilitation in Rancho Mirage, California. Based on an interview with Les Williams, SI, you admitted to treating patients M.B., B.J. and A.E. without a physical therapist on the premises.<sup>1</sup>

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<sup>1</sup>Patient initials are used to protect the patients' privacy. The full names will be provided upon request for discovery.

**ORDER**

Further, **you are ordered to pay a fine of \$250** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

**FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.**

Administrative Fine

\$ 250.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,  
PLEASE RETURN THE COPY OF THE CITATION  
AND NOTE THE CITATION NUMBER ON YOUR CHECK  
OR MONEY ORDER.

9/14/05

Date

Original Signed By:

STEVEN K. HARTZELL  
Executive Officer

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**ORDER OF ABATEMENT**

September 14, 2005

Citation Against: Brenda J Gomez

Citation No. 05-06-0145

Item No. 1

Violations: Section 2630 of the Business and Professions Code

Description:

**2630.** It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter. Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500). A physical therapist licensed pursuant to this chapter may utilize the services of one aide engaged in patient-related tasks to assist the physical therapist in his or her practice of physical therapy. "Patient-related task" means a physical therapy service rendered directly to the patient by an aide, excluding non-patient-related tasks. "Non-patient-related task" means a task related to observation of the patient, transport of the patient, physical support only during gait or transfer training, housekeeping duties, clerical duties, and similar functions. The aide shall at all times be under the orders, direction, and immediate supervision of the physical therapist. Nothing in this section shall authorize an aide to independently perform physical therapy or any physical therapy procedure. The board shall adopt regulations that set forth the standards and requirements for the orders, direction, and immediate supervision of an aide by a physical therapist. The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as, and in proximity to, the location where the aide is performing patient-related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient-related tasks are provided to a patient by an aide, the supervising physical therapist shall, at some point during the treatment day, provide direct service to the patient as treatment for the patient's condition, or to further evaluate and monitor the patient's progress, and shall correspondingly document the patient's record. The administration of massage, external baths, or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.

### Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.